

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

4:08-CR-19-1-F1
4:11-CV-42-F1

TIMOTHY MARK PARMER,

)

Movant,

)

)

v.

)

ORDER

)

UNITED STATES OF AMERICA,

)

Respondent.

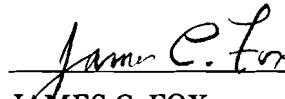
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The movant, Timothy Mark Parmer (“Parmer”) has moved [DE-79] to stay the time within which he may instigate post-conviction relief in this court until he is placed in federal custody. He explains he is in state custody and lacks access to the necessary legal materials and advice he needs in order to pursue federal litigation. Parmer also has moved [DE-82] for an order allowing an extension of thirty days within which to “file answer or other pleading.”

Both of Parmer’s pending motions were filed after he entered his Notice of Appeal of this court’s order [DE-74] denying his § 2255 Motion to Vacate, Set Aside or Correct his conviction or sentence. The appellate court remanded the matter for the limited purpose of the entry or denial of a certificate of appealability. The undersigned allowed such certificate by order of April 20, 2011.

There are no unresolved matters remaining before this court. The Clerk of Court is DIRECTED to transfer both the pending motions [DE-79 and -82] to the Fourth Circuit Court of Appeals for consideration by that court, in which Parmer’s appeal is pending.

SO ORDERED. This the 16th day of May, 2011.



JAMES C. FOX
Senior United States District Judge